

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**OMNIPOINT COMMUNICATIONS, INC.,
OMNIPOINT NY MTA LICENSE, LLC,
and T-MOBILE LICENSE LLC,**

**08 CV. 2419 (SCR)
ECF CASE**

Plaintiffs,

NOTICE OF MOTION

-against-

**THE TOWN OF RAMAPO, THE TOWN OF
RAMAPO PLANNING BOARD, PLANNING
BOARD CHAIRMAN SYLVAIN KLEIN,
BRACHA GOBIOFF, BRENDAL LOGAN, REV.
WALTER BRIGHTMAN, JR., JOHN BRUNSON,
RICHARD STONE, DORA GREENE, in their
official capacities, constituting the Town Planning
Board, THE TOWN OF RAMAPO TOWN
BOARD and LIBORIO DERARIO in his official
capacity as Director of Building Administration and
Code Enforcement,**

Defendants.

TO ALL ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that pursuant to the direction of this Court on June 27, 2008 during a Preliminary Conference on this matter, plaintiffs will on December 5, 2008, at 10:00 o'clock a.m., or as soon thereafter as counsel may be heard, move this Court at the United States Courthouse located at 300 Quarropas Street, White Plains, New York 10601 for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, on the First Cause of Action set forth in the First Amended Complaint herein and the First, Second, Third and Fourth Causes of Action set forth in the First Supplemental Complaint herein, on the ground that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

PLEASE TAKE FURTHER NOTICE, that defendants' Answering Papers shall be served and filed on September 15, 2008, and that plaintiffs' Reply Papers shall be served and filed on September 29, 2008, whereupon this motion shall be deemed fully submitted.

PLEASE TAKE FURTHER NOTICE, that oral argument is not requested.

This motion is based upon this Notice of Motion, the accompanying Local Rule 56.1 Statement of Material Facts, Plaintiffs' Memorandum of Law, the Affidavit of Robert D. Gaudio, sworn to on August 14, 2008, and all pleadings and papers on file in this action, and upon such other documents as may be presented to the Court on or before December 5, 2008.

Dated: Tarrytown, New York
August 14, 2008

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'R. Gaudio', written over a horizontal line.

Robert D. Gaudio (RG 3829)
Snyder & Snyder, LLP
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914.333.0700